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HOUSE BILL 2107

By Whitson

AN ACT to amend Tennessee Code Annotated, Title 63, relative to personnel in certain health care occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-7-104, is amended in item (3) by adding the following language at the end of the item:

Provided, however, on or before July 1, 2003, for diploma nursing programs the board shall develop and require a curriculum option designed for completion within twelve (12) to eighteen (18) months. Such diploma nursing curriculum shall also include a clinical component in a long-term care setting.

SECTION 2. Tennessee Code Annotated, Section 63-7-117, is amended by designating the existing language of the section as subsection (a) and by adding the following as a new subsection (b):

(b) Subject to appropriation in the annual appropriations act, the state may provide a subsidy payment that may not exceed the cost of instruction for each student in a diploma nursing program enrolled in a school of professional nursing. The commissioner of finance and administration in consultation with the

commissioner of health shall set the requirements for receiving the subsidy by rule adopted in accordance with the provisions of Title 4, Chapter 5.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following as a new section:

63-7-126.

(a) The practice of being a "medical technician" means the performance for compensation of administering medications under the direction of a physician or a nurse and assisting in activities of daily living as a part of patient care. Except as authorized by this section, a medical technician may not otherwise practice professional or practical nursing. A medical technician shall be licensed under this chapter by the board of nursing.

(b) An applicant for a license as a medical technician shall submit to the board evidence in such form as the board may require that the applicant:

(1) Is in good physical and mental health;

(2) Has completed the twelfth grade or its equivalent or has successfully passed the test for and has received a general equivalency diploma and such other preliminary qualifications and requirements as the board may prescribe; and

(3) Has successfully completed a course of study of a least one hundred twenty hours (120) of instruction in a program or school approved by the board for medical technicians and the applicant holds a certificate therefrom, or the approved school has certified to the board that the applicant has met all requirements for a certificate.

(c) (1) An applicant for a license as a medical technician shall be required to pass a written examination as prescribed by the board. The board shall issue a license as medical technician to an applicant who successfully completes the examination.

(2) The board may issue a license as a medical technician to an applicant who has been duly licensed in another state or territory if, in the opinion of the board, the

individual meets the medical technician qualifications which, at the time of the applicant's graduation, were in effect in this state.

(3) An examination for both the professional and practical nurses shall be held at least once each year at such time and place as the board may determine and additional examinations as the board may deem necessary.

(d) All licensed medical technicians shall submit an application for renewal of licensure registration to the board of nursing with a biennial renewal fee as set annually by the board.

SECTION 4. Tennessee Code Annotated, Section 63-7-115(a)(1), is amended by deleting the language "to practice nursing" and by substituting instead the language "granted pursuant to this chapter" wherever it appears.

SECTION 5. Tennessee Code Annotated, Section 63-7-116(a), is amended by deleting the word "nurse" and by substituting instead the language "nurse or technician".

SECTION 6. Tennessee Code Annotated, Section 63-7-120, is amended by deleting the section in its entirety and by substituting instead the following:

(a) It is a Class B misdemeanor for any person, corporation or association to:

(1) Sell or fraudulently obtain or furnish any nursing or technician diploma, license or record, or aid or abet therein;

(2) Practice nursing as defined by this chapter or serve as a medical technician under cover of any diploma, license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;

(3) Practice nursing as defined by this chapter or serve as a medical technician unless duly licensed to do so under the provisions of this chapter;

(4) Use in connection with the person's name any designation tending to imply that the person is a registered nurse, a licensed practical nurse, or a

medical technician unless duly licensed so to practice under the provisions of this chapter;

(5) Practice nursing or serve as a medical technician during the time the person's license issued under the provisions of this chapter is suspended or revoked;

(6) Conduct a school of nursing or a program for the training of practical nurses or medical technicians unless the school or program has been approved by the board; or

(7) Otherwise violate any provisions of this chapter.

(b) Legal procedure in prosecution of violations of this section shall be in accordance with general statutes.

SECTION 7. Tennessee Code Annotated, Section 63-7-122, is amended by adding the language "or as a medical technician," immediately after the language "63-7-108".

SECTION 8. Tennessee Code Annotated, Section 63-7-207(9), is amended by adding the language " or of being a medical technician" immediately after the words "practical nursing" and before the punctuation ";".

SECTION 9. This act shall take effect July 1, 2002, the public welfare requiring it.